

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* Ezell, Minors.

UNPUBLISHED  
February 23, 2016

No. 327667  
Wayne Circuit Court  
Family Division  
LC No. 13-513979-NA

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Before: RONAYNE KRAUSE, P.J., and SAWYER and STEPHENS, JJ.

PER CURIAM.

Respondent mother appeals from an order of the circuit court terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) (conditions leading to adjudication continue to exist), (g) (parent fails to provide proper care and custody), and (j) (child will be harmed based on the parent's conduct or capacity). We affirm.

At trial, Jasmin Williams, a foster care program manager at Guiding Harbor, testified that she supervised the children's case. She testified that, after the children were removed from the home, they were placed with their paternal grandmother. A treatment plan was developed, which provided for services to both parents.<sup>1</sup> The plan provided for parenting classes, individual therapy, substance abuse therapy, domestic violence therapy, random drug screens, maintaining contact with the case worker, obtaining housing and a legal source of income. Respondent did complete the parenting classes, but respondent failed to complete the three individual therapy services to which she was referred, being dropped for a failure to cooperate. Furthermore, respondent failed to consistently report for her drug screens. Specifically, she missed approximately 45 drug screens, while taking approximately 7 screens. All seven of the screens that she took were negative. The last screen that she took was four and one-half months before trial.

Williams further testified that she had made a home visit and that the home was not adequate for overnight visitations or reunification due to a lack of sleeping arrangements for the children. Respondent claimed to be employed at a business called Electric Tanning, as well as a cocktail waitress; but she never provided proof of employment or a pay stub. Williams also stated that the children were flourishing in their placement with their paternal grandmother and

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<sup>1</sup> The father, whose parental rights were also terminated, is not a party to this appeal.

that they had found stability in that placement. It was her opinion that parental rights should be terminated.

In order to terminate parental rights, the trial court must first find that there is clear and convincing evidence to establish at least one statutory ground for termination. *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). We review that determination for clear error. In the case at bar, respondent makes no significant argument that the trial court clearly erred in finding clear and convincing evidence to support any of the three grounds for termination, much less that the trial court erred in finding all three grounds existed. Rather, respondent's argument merely states general principles, claims that she had not received sufficient services from petitioner, and argues that temporary guardianship would have been a better disposition than termination. None of this, however, in any way provides a basis to conclude that the trial court clearly erred in determining that one or more grounds for termination existed. Accordingly, we shall move to the next step in the analysis, whether the trial court erred in terminating respondent's parental rights.

Once the trial court concludes that one or more grounds for termination exist, the trial court must determine whether termination of parental rights is in the child's best interests. *Moss*, 301 Mich App at 83; MCL 712A.19b(5). If it so finds, the trial court shall order termination. *Id.* Moreover, it must find that termination is in the child's best interests by a preponderance of the evidence. *Moss*, 301 Mich App at 90. As with the previous issue, respondent merely states general conclusions without providing factual support. She states that the record shows that she "was fully engaged with her children during visits" and that she "lovingly provided activities that she and her daughters could undertake together." She further claimed that "it appeared imminent" that she "would be able to provide a good home for her children." She further argues that the trial court should have considered whether additional supportive services to respondent would have better served the children's interests.

The record, however, belies respondent's claims. Respondent failed to take full advantage of visitations, missing many of them, often cancelling at the last minute; ultimately, she only made approximately one visitation a month. Further, she was provided with support services, which she failed to take advantage of. She was dropped from several programs for lack of cooperation. She began her fourth round of counseling services only when termination proceedings were imminent.

By contrast, the children were placed with their paternal grandmother, who wished to adopt the children, and who provided a stable and well-adjusted home where they flourished. Termination of parental rights, with the ability of the grandmother to adopt the children, will provide the children with a permanent, stable living environment. We are not able to conclude that the trial court erred in finding that it was in the children's best interests to terminate respondent's parental rights.

Affirmed.

/s/ Amy Ronayne Krause  
/s/ David H. Sawyer  
/s/ Cynthia Diane Stephens